

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT
(Under 37 CFR 1.97(b) or 1.97(c))

Docket No.
15827 (PC25075A)

In Re Application Of: David Scott McVey

MAR 08 2004

Serial No.
10/14,679

Filing Date
November 14, 2003

Examiner
Unassigned

Group Art Unit
Unassigned

Title: USE OF A RMLT AS A MARKER ANTIGEN FOR VACCINES AND AS A SYNERGISTIC
ADJUVANT WITH AMPHIGEN

Address to:
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

37 CFR 1.97(b)

- The Information Disclosure Statement submitted herewith is being filed within three months of the filing of a national application other than a continued prosecution application under 37 CFR 1.53(d); within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; before the mailing of a first Office Action on the merits, or before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.

37 CFR 1.97(c)

- The Information Disclosure Statement submitted herewith is being filed after the period specified in 37 CFR 1.97(b), provided that the Information Disclosure Statement is filed before the mailing date of a Final Action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an Action that otherwise closes prosecution in the application, and is accompanied by one of:

the statement specified in 37 CFR 1.97(e);

OR

the fee set forth in 37 CFR 1.17(p).

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT
(Under 37 CFR 1.97(b) or 1.97(c))

Docket No.
15827 (PC25075A)

In Re Application: **David Scott McVey**

*RECEIVED
MAR 08 2004
U.S. PATENT & TRADEMARK OFFICE*

Serial No.
10/714,679

Filing Date
November 14, 2003

Examiner
Unassigned

Group Art Unit
Unassigned

**USE OF A RMLT AS A MARKER ANTIGEN FOR VACCINES AND AS A SYNERGISTIC
ADJUVANT WITH AMPHIGEN**

Payment of Fee

(Only complete if Applicant elects to pay the fee set forth in 37 CFR 1.17(p))

A check in the amount of _____ is attached.

The Director is hereby authorized to charge and credit Deposit Account No. **19-1013/SSMP** as described below.

Charge the amount of _____

Credit any overpayment.

Charge any additional fee required.

Certificate of Transmission by Facsimile*

I certify that this document and authorization to charge deposit account is being facsimile transmitted to the United States Patent and Trademark Office (F:

(Date)

Signature

Typed or Printed Name of Person Signing Certificate

Certificate of Mailing by First Class Mail

I certify that this document and fee is being deposited on **March 4, 2004** with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Peter I. Bernstein

Signature of Person Mailing Correspondence

Peter I. Bernstein

Typed or Printed Name of Person Mailing Certificate

*This certificate may only be used if paying by deposit account.

Peter I. Bernstein

Signature

Dated: **March 4, 2004**

Peter I. Bernstein
SCULLY, SCOTT, MURPHY & PRESSER
400 Garden City Plaza
Garden City, NY 11530
(516) 742-4343

PIB:ahs/dg

CC:



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: David Scott McVey **Examiner:** Unassigned
Serial No: 10/714,679 **Art Unit:** Unassigned
Filed: November 14, 2003 **Docket:** 15827 (PC25075A)
For: USE OF A RMLT AS A MARKER
ANTIGEN FOR VACCINES AND AS
A SYNERGISTIC ADJUVANT WITH
AMPHIGEN **Dated:** March 4, 2004

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

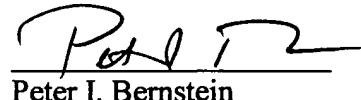
In accordance with 37 C.F.R. §§ 1.97 and 1.98, it is requested that the following references, which are also listed on the attached Form PTO-1449, be made of record in the above-identified case.

1. United States Patent No. 6,309,845 B1, dated October 30, 2001, issued to Gareis, et al.;
2. German Patent No. 198 47 118 C2, dated May 4, 2000, together with English-language translation;
3. Carol L. Pickett, et al., "Genetics of Type IIa Heat-Labile Enterotoxin of *Escherichia coli*: Operon Fusions, Nucleotide Sequence, and Hybridization Studies", *Journal of Bacteriology*, 169(11):5180-5187 (1987);

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on March 4, 2004.

Dated: March 4, 2004


Peter I. Bernstein

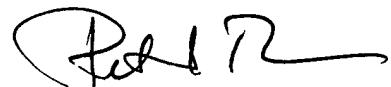
4. Stephen Harford, et al., "Inactivation of the *Escherichia coli* Heat-Labile Enterotoxin by *in vitro* Mutagenesis of the A-subunit Gene", Eur. J. Biochem, 183:311-316 (1989);
5. Takao Tsuji, et al., "A Single Amino Acid Substitution in the A Subunit of *Escherichia coli* Enterotoxin Results in a Loss of Its Toxic Activity", The Journal of Biological Chemistry, 265(36):22520-22525 (1990);
6. United States Patent No. 6,019,982, dated February 1, 2000, issued to Clements, et al.;
7. United States Patent No. 6,033,673, dated March 7, 2000, issued to Clements;
8. United States Patent No. 6,149,919, dated November 21, 2000, issued to Domenighini, et al.;
9. United States Patent No. 5,182,109, dated January 26, 1993, issued to Tamura, et al.;
10. John D. Clement, et al., "Adjuvant Activity of *Escherichia coli* Heat-labile Enterotoxin and Effect on the Induction of Oral Tolerance in Mice to Unrelated Protein Antigens", Vaccine, 6:269-277 (1988); and
11. American Society of Microbiology, "Abstracts of the Annual Meeting", May 1988.

Applicant is submitting copies of the above-cited references.

Consideration of this Information Disclosure Statement is respectfully requested, since the art provided may be material to the examination of the present application as defined under 37 C.F.R. §1.56.

Inasmuch as this Information Disclosure Statement is being submitted in accordance with the schedule set out in 37 C.F.R. § 1.97(b), no statement or fee is required.

Respectfully submitted,



Peter I. Bernstein
Registration No. 43,497

Scully, Scott, Murphy & Presser
400 Garden City Plaza
Garden City, New York 11530
(516) 742-4343

PIB:ahs/dg

INFORMATION DISCLOSURE CITATION <small>(Use several sheets if necessary)</small>				ATTY DOCKET NO. 15827 (PC25075A)		SERIAL NO. 10/714,679		
				David Scott McVey				
				FILING Nov. 14, 2003		GROUP Unknown		
U.S. PATENT DOCUMENTS								
*EXAMINER INITIAL	TRADEMARK OFFICE	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE	
		6,309,845 B1	10/30/01	Gareis, et al.				
		6,019,982	2/1/00	Clements, et al.				
		6,033,673	3/7/00	Clements				
		6,149,919	11/21/00	Domenighini, et al.				
		5,182,109	1/26/93	Tamura, et al.				
FOREIGN PATENT DOCUMENTS								
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
		198 47 118 C2	5/4/00	Germany				
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)								
		Carol L. Pickett, et al., "Genetics of Type IIa Heat-Labile Enterotoxin of Escherichia coli: Operon Fusions, Nucleotide Sequence, and Hybridization Studies", <u>Journal of Bacteriology</u> , 169(11):5180-5187 (1987)						
		Stephen Harford, et al., "Inactivation of the Escherichia coli Heat-Labile Enterotoxin by in vitro Mutagenesis of the A-subunit Gene", <u>Eur. J. Biochem.</u> , 183:311-316 (1989)						
		Takao Tsuji, et al., "A Single Amino Acid Substitution in the A Subunit of Escherichia coli Enterotoxin Results in a Loss of Its Toxic Activity", <u>The Journal of Biological Chemistry</u> , 265(36):22520-22525 (1990)						
		John D. Clement, et al., "Adjuvant Activity of Escherichia coli Heat-labile Enterotoxin and Effect on the Induction of Oral Tolerance in Mice to Unrelated Protein Antigens", <u>Vaccine</u> , 6:269-277 (1988)						
EXAMINER				DATE CONSIDERED				
<small>*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.</small>								

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.